



CAUSE NO. _____

| | | |
|---------------------------------|---|---------------------------|
| EDGAR OMAR VALDIVIA, | § | IN THE DISTRICT COURTS OF |
| <i>Plaintiff,</i> | § | |
| | § | |
| V. | § | |
| | § | EL PASO COUNTY, TEXAS |
| LIBERTY OILFIELD SERVICES INC., | § | |
| | § | |
| | § | |
| <i>Defendant.</i> | § | _____ JUDICIAL DISTRICT |

PLAINTIFF’S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THIS COURT:

EDGAR VALDIVIA (hereinafter called “Plaintiff”) comes forth to present this complaint against LIBERTY OILFIELD SERVICES INC. (hereinafter called "Defendant"). For cause of action, Plaintiff would show the Court as follows:

DISCOVERY CONTROL PLAN

1. The parties should conduct pre-trial discovery in accordance with the discovery-control plan described in Rule 190.3 of the Texas Rules of Civil Procedure (Level 3).

PLAINTIFF’S COMPETENCY TO SUE

2. Plaintiff is a natural person over the age of twenty-one who resides in El Paso County, Texas. He is in every respect competent to assist in the prosecution of this lawsuit.

COURT’S JURISDICTION OVER DEFENDANTS

3. LIBERTY OILFIELD SERVICES INC. is a foreign for-profit corporation that was formed in Texas on or about December 21, 2016. It has been lawfully operating its business in Texas ever since.

SERVICE OF PROCESS

4. An authorized process server can perfect service-of-process on LIBERTY OILFIELD

SERVICES INC. by hand-delivering a copy of this petition, and a citation to appear herein, to LIBERTY OILFIELD SERVICES INC.'s registered agent for service in Texas, to wit: CT Corporation System, at the agent's registered office address, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136, or wherever the agent can be found.

SUBJECT-MATTER JURISDICTION

5. Plaintiff has brought this cause of action to recover bodily-injury damages he suffered when he tripped and fell over a hose owned by Liberty Oilfield Services Inc., as he was descending a work platform while working for Sand Revolution. Plaintiff is alleging that the incident was proximately caused by Defendant's negligence in installing/setting the hose. Plaintiff's accident-related damages far exceed the Court's minimal jurisdictional limit.

VENUE

6. Venue is proper in El Paso County, Texas as that is the county in which Plaintiff resided at the time of the accrual of the cause of action. Tex. Civ. Prac. & Rem. Code §15.002(a)(4).

STATEMENT OF AMOUNT OF RECOVERY SOUGHT PURSUANT TO TRCP 47:

7. Plaintiff is seeking monetary relief in this matter in an amount over \$250,000.00 but less than \$1,000,000.00.

THE INCIDENT

8. The incident occurred on August 19, 2022, at the XTO Energy Operations area in Carlsbad, New Mexico. Plaintiff was standing on a platform working. When it was time for him to descend, he made his way down the staircase and as he reached the bottom, he tripped and fell on a Liberty Oilfield hose. The hose was running across one of the treads causing him to lose balance, fall and suffer traumatic injuries.

CAUSE OF ACTION AGAINST DEFENDANT: NEGLIGENCE

9. At the time of the incident, Defendants owed a duty to Plaintiff to exercise ordinary care. Specifically, Defendant had the right and responsibility to ensure that the hose was placed in such a manner that it did not pose a danger to those working in the area.

10. Defendant was negligent in installing, and/or maintaining the hose, particularly in failing to place or secure the hose in such a manner that would prevent injuries to those working nearby. Defendant's negligence in failing to properly place or secure the hose created a hazard to workers and exposed the workers to a danger. Defendant's negligent conduct, as described above, taken singularly or in any combination, was a proximate cause of the accident and the accident-related injuries suffered by Plaintiff.

PLAINTIFF'S CLAIM FOR DAMAGES

12. As indicated above, Plaintiff suffered several injuries in the accident. These injuries have caused him to suffer-----and will very likely continue causing him to suffer-----the following damages:

- a. Physical pain & suffering, in the past and future;
- b. Mental anguish, in the past and future;
- c. Physical impairment, in the past and future;
- d. Diminished capacity to enjoy life and society, in the past and future;
- e. Medical expenses, in the past and future; and
- f. Lost earnings, in the past.

DEMAND FOR JURY TRIAL

14. Plaintiff respectfully demands a trial-by-jury herein, and is paying the appropriate jury fee simultaneous to the filing of this original petition.

REQUEST FOR DISCLOSURES

15. Pursuant to Rule 194.3 of the Texas Rules of Civil Procedure, Plaintiff respectfully

requests that, within fifty days of the date on which service-of-process on Defendant is perfected, Defendant discloses the information and/or produce documents outlined in Rule 194.2 (a)-(l) of the Texas Rules of Civil Procedure.

NOTICE OF INTENT TO USE DOCUMENTS PRODUCED,
PURSUANT TO TRCP 93.7

16. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiff intends to use any and all documents Defendant produces herein in response to any discovery requests Plaintiff serves upon Defendant herein, whether it is at any pre-trial proceeding or at trial.

PRAYER

17. WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that this Court promptly set this matter for trial at the Court's earliest convenience; and, after the trial of this matter, grant the following relief to Plaintiff:

- g. Judgment against each Defendant for compensatory and exemplary damages in the amount of no less than \$100,000.00 and no more than \$500,000.00;
- h. Pre-judgment and post-judgment interest at the highest rate allowed by law;
- i. Costs of court; and
- j. Any further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

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Lauren Esparza on behalf of Lauren Esparza
Bar No. 24095966
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Filing Code Description: Petition
Filing Description: Plaintiff's Original Petition / MR
Status as of 12/15/2023 9:13 AM MST

Associated Case Party: Edgar OmarValdivia

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------|-----------|-----------------------------|------------------------|--------|
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